

SIKKIM



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**FOOD & CIVIL SUPPLIES & CONSUMER AFFAIRS DEPARTMENT
GOVERNMENT OF SIKKIM**

No. 1168(i)/FCS&CA

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AMENDMENT RULES SIKKIM STATE FOOD COMMISSION

In exercise of the powers conferred by sub section (1) of section 40 of the National Food Security Act, 2013 (20 of 2013) the State Government hereby makes the following rules further to amend the Sikkim Food Security Rules, 2014.

1. Short Title and Commencement:

- (1) These rules may be called the Sikkim Food Security (Amendment) Rules, 2018.
- (2) They shall extent to the whole of Sikkim.
- (3) They shall come into force at once.

Amendment of rule 2.

in Rules 2 of the Sikkim Food Security Rules, 2015 (herein after referred to as the said rules), after clause (c), the following clause shall be inserted, namely:-

- (d) "State Food Commission means the Sikkim State Food Commission as notified vide Notification number 816/FCS&CA dated 13.02.2018".
- (e) "Government" means Government of Sikkim;
- (f) "Chairperson" means the Chairperson of the State Food Commission;
- (g) "Member" means the members of the State Food Commission;
- (h) "Section" means Section of the Act.

- 2) Words and expressions used in these rules but not defined, shall have the same meaning as respectively assigned to them in the Act.

Amendment of Rule 14: in Rule 14 of the principal rules, the following shall be substituted, namely:-

1. Terms and Conditions of appointment of Chairperson and other Members of the State Food Commission:

- (1) The Chairperson and every other Member shall hold office for a term not exceeding 5 (five) years from the date on which he enters upon his office unless removed earlier and shall be eligible for reappointment.

Provided that no person shall hold office as the Chairperson or other member after he has attained the age of 65 (sixty-five) years.

- (2) A person who held the office of the Chairperson or other Member shall be eligible for re-appointment, but a re-appointed Chairperson or other Member shall hold office for a period not exceeding one year from the date of his re-appointment.
- (3) The Chairperson or any other Member may, by writing under his hand addressed to the Government, resign from the office of the Chairperson or the Member, as the case may be, at any time.
- (4) An officer, who has been selected for appointment as Member-Secretary shall hold such office on deputation.
- (5) The Government may remove from office, the Chairperson or the other Member referred to in the sub-rule (9) of Section 16 of the Act, if that person;
- (a) is, or at any time has been, adjudged as an insolvent; or
- (b) has become physically or mentally incapable of acting as a member; or
- (c) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or
- (e) has so abused his position as to render his continuation in office detrimental to the public interest:

Provided that, no Chairperson or other Member shall be removed from the office under clause (d) or clause (e) of sub-section (9) unless he has been given a reasonable opportunity of being heard in the matter.

2. Salaries and Allowances of Chairperson, Member, Member Secretary and other staff of the State Commission:

- a) The Chairperson shall receive pay of Rs. 80000.00 (Rupees Eighty Thousand) (fixed) per month provided that in case of an appointment as Chairperson, of a person who has retired as a Judge of the High Court or who has retired from service under the Central Government or a State Government and who is in receipt of or has received or has become entitled to receive any retirement benefits by way of pension and/or gratuity or other forms of retirement benefits, the pay shall be reduced by the gross amount of pension equivalent of service gratuity if any but excluding pension equivalent of retirement gratuity, drawn or to be drawn by him.
- b) The Chairperson shall receive such Dearness Allowance as is admissible to officers of the Indian Administrative Service of the corresponding grade in the State.

- c) The Chairperson shall be entitled to receive compensatory allowance and other allowances as are admissible to officers of the Indian Administrative Service of the corresponding grade in the State.
- d) The Members shall be paid Rs. 10,000.00 (Rupees Ten Thousand) per month subject to revision by the State Government from time to time.

3. Travelling Allowance

The Chairperson while on tour inside or outside the State or on transfer (including the journey undertaken to join the commission or on expiry of his term with the Commission to proceed to his home town) shall be entitled to travelling allowance, daily allowance, transportation of personal effects and other similar matters at the same scale as applicable to the officers of the Indian Administrative Service of the corresponding grade in the State.

4. Facility for Conveyance

The Chairperson shall be provided with a car and a driver as per entitlement of the office of the Indian Administrative Service of the corresponding grade in the State.

5. Accommodation

The Chairperson shall be entitled to rent free accommodation. The Chairperson who is not provided with or does not avail himself of the use of official residence and resides in his own house, he may be paid house rent allowance as admissible to the office of the Indian Administrative Service of the corresponding grade in the State.

6. Leave Sanctioning Authority

- (1) The State Government shall be the authority competent to sanction leave to the Chairperson.
- (2) The Chairperson shall be the authority to sanction leave to every Member.

7. Powers of the State Food Commission: The State Food Commission shall have the following powers, namely:—

- (1) The State Food Commission shall, while inquiring into any matter referred to in clause (b) and (e) of sub-section (6) of section 16, of the National Food Security Act, have all the powers of Civil Court while trying a suit under the Code of Civil Procedure, 1908, and, in particular, in respect of the following matters, namely:
 - a) summoning and enforcing the attendance of any person and examining him on oath;
 - b) discovery and production of any document;
 - c) requisitioning any public record or copy thereof from any court or office;
 - d) issuing commissions for the examination of witness or documents.
- (2) The State Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.

- (3) Inspect or cause to be inspected, the non-compliance of policy decisions of the Government relating to the Act;
- (4) Organize regional camps for building awareness about benefits and entitlements under the Act and define measures for redressal of grievance;
- (5) Appoint, in consultation with the Government, consultants and technical staff to assist the State Food Commission;
- (6) Lay down procedures for day-today- functioning.

9. Procedure of Meetings:

- (1) The State Food Commission shall meet once in every months in its office at Gangtok at such time as the Chairperson thinks fit;
- (2) The quorum for the meeting of the State Food Commission shall be 4 (four);
- (3) The Member Secretary, along with such officers as the Chairperson may direct, shall assist in holding the meeting of the State Food Commission.
- (4) The Member Secretary shall, in consultation with the Chairperson, prepare the agenda for each meeting of the State Food Commission.

10. Duties of the Member Secretary:

The Member-Secretary shall, in addition to functions as provided in the Act and rules and in accordance with the direction of the Chairperson, have the following duties, namely:—

- (1) execute all decisions taken by the State Food Commission in exercise its powers and functions of the State Food Commission;
- (2) exercise and discharge such powers and perform such duties as may be required for the proper administration of the affairs of the State Food Commission and its day to day management;
- (3) convene the meetings of the State Food Commission in consultation with its Chairperson and cause service of notices of the meetings to all concerned;
- (4) prepare, in consultation with the Chairperson, the agenda for each meeting of the State Food Commission and have notes prepared, which shall be self-contained;
- (5) make available records covering the agenda items to the State Food Commission for reference;
- (6) ensure that the agenda papers are circulated to the members at least before three clear working days in advance of the meeting, except in cases when urgent attention is required;
- (7) prepare the minutes of the meetings of the State Food Commission and shall execute the decisions of the State Food Commission taken in the meeting and shall also ensure placing of the Action Taken Note of the decisions of the State Food Commission before the State Food Commission in its subsequent meetings;
- (8) ensure that the procedure of the State Food Commission is followed by it in transaction of its business;

- (9) take up all such matters with the Government for release of grants, creation of posts, revision of scales, procurement of vehicles, appointment of staff, laying of annual and audit report in Assembly, re-appropriation of funds, residential accommodation and any other matter requiring the approval of the State Government;
- (10) exercise such financial powers as may be delegated to him by the Chair person on behalf of the State Food Commission;
- (11) shall be the appointing and disciplinary authority in respect of officers and other employees of the State Food Commission.

11. Procedure for hearing Appeal

- (1) Any citizen aggrieved by a decision of the District Grievance Redressal Officer (DGRO) may file a Memorandum of Appeal with the State Food Commission within thirty days of such decision.
- (2) When the Memorandum of Appeal is presented after thirty days, such Memorandum of appeal shall be accompanied by an application supported by an affidavit setting forth the fact on which the Appellant relies to satisfy the State Food Commission that he has sufficient cause for not presenting the appeal within the period of limitation.
- (3) Any Memorandum of Appeal so filed with the State Food Commission must be heard and disposed of within a period of sixty days of the filing of such appeals.
- (4) The Memorandum of Appeal shall be filed in triplicate and accompanied by a true copy of the orders of the DGRO appealed against and such other documents as may be required to support ground of objections mentioned in the Memorandum of Appeal.
- (5) The Chairperson shall have power to constitute a Bench consisting of two or three members and declare any member, as he deems fit, to preside over the Bench, where the Chairperson is not the member of such Bench: Provided that the Chairperson may constitute or reconstitute Benches from time to time.
- (6) The decision of the Bench is to be made according to the opinion of the majority of the Bench .Provided that if the member of a Bench consisting of an even number differ in opinion on any point, they shall state the point or points on which they differ and make a reference to the Chairperson who shall either hear the case or refer the case to another Bench for decision.
- (7) While hearing the appeal, the Bench shall consider the grounds of appeal and shall decide the case accordingly.
- (8) Orders of State Food Commission on appeal shall be signed and dated by the Members thereof hearing the appeal and shall be communicated to the parties free of charge.

12. Financial powers of the State Food Commission:

- (1) The State Food Commission shall be responsible for expenditure for the funds received by it for the purposes of the implementation of the Act;
- (2) The Chairperson shall have all powers relating to financial transaction of the State Food Commission, except in cases which require prior approval of the Government;
- (3) The Chairperson shall, subject to such conditions and limitations, control and supervision, have powers to delegate his financial powers to the Member-Secretary of the State Food

Commission or to any officer of the said State Food Commission who shall be not below the rank of Group B. Provided that no such powers shall be delegated in respect of incurring an expenditure on an item exceeding Rs. 25000.00 (Rupees Twenty-Five Thousand).

- (4) The Member-Secretary shall have powers to execute all decisions taken by the Chairperson on his behalf relating to financial matters;
- (5) All financial powers of the State Food Commission shall be governed by delegation of financial powers, rules and circulars, orders, instructions as may be issued by the Finance Department of the Government from time to time, in this behalf;

S.K Shilal, IAS
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